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TECH CENTER 1600/2800

Docket No.: 2312-105



NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application of Takashi AOYAMA et al.

Serial No.: 09/438,392

Filed: November 12, 1999

For: CHEMICAL INDUCIBLE PROMOTER USED TO OBTAIN TRANSGENIC PLANTS  
WITH A SILENT MARKER

Group Art Unit: 1635

Examiner: Jane J. Zara

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner dated July 26, 2002 rejecting the following claims: 67-75 and 77-83.

Applicant claims small entity status. Therefore, the fee for this Notice of Appeal is \$160.00.

An extension of time is requested for one month. The required fee for this extension of time is \$55.00.

The Commissioner is authorized to charge the fees for the Notice of Appeal and for the extension of time to Deposit Account No. 02-2135. An additional copy of this Notice is enclosed herewith.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Mark I. Bowditch".

Mark I. Bowditch  
Attorney for Applicants  
Registration No. 40,315  
ROTHWELL, FIGG, ERNST & MANBECK, p.c.  
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11/29/2002 MAHMEDEI 00000042 022135 09438392  
02 FC:2401 160.00 CH

		Complete if Known	
		Application Number	09/438,392
		Filing Date	November 12, 1999
		First Named Inventor	Takashi AOYAMA et al.
		Examiner Name	Jane J. Zara
		Group Art Unit	1635
		Attorney Docket Number	2312-105
Amount of Payment (\$215.00)		RECEIVED DEC 03 2002	

**METHOD OF PAYMENT** (check one)

- The Commissioner hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17
- Applicant claims small entity status.
- Payment Enclosed:
  - Check
  - Credit Card

**FEES CALCULATION**

**1. FILING FEE**

Fee	Fee	Fee Description	Fee Paid
Code	\$		
201	370	Utility filing fee	[ ]
206	165	Design Filing Fee	[ ]
207	255	Plant Filing Fee	[ ]
208	370	Reissue Filing Fee	[ ]
214	80	Provisional Filing Fee	[ ]

**SUBTOTAL**

**\$**

138

1,510

**SUBTOTAL**

**\$**

246

370

**2. CLAIMS**

Extra Claims	Fee \$	Fee Paid \$
Total Claims [ ] - 20** = [ ] x \$ 9 = [ ]	249	370
Independent [ ] - 3** = [ ] x 42 = [ ]	279	370
Claims [ ] - 3** = [ ] x + 140 = [ ]	169	900
Multiple Dependent Claims [ ] - 3** = [ ] x + 140 = [ ]	195	300

**246**

370

\*\*or number previously paid, if greater;

**SUBTOTAL**

**\$**

196

300

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL**

**\$215**

SUBMITTED BY		Complete (if applicable)	
NAME AND REG. NUMBER	Mark I. Bowditch, Reg. No. 40,315		
SIGNATURE			
DATE	11/26/02		
DEPOSIT ACCOUNT USER ID			